

Senate Amendment to  
House File 398

H-8369

1 Amend House File 398, as passed by the House, as  
2 follows:

3 1. Page 1, by striking lines 2 through 5 and  
4 inserting <the following new subsection:>

5 2. By striking page 1, line 16, through page 2,  
6 line 14, and inserting:

7 <Sec. \_\_\_\_\_. Section 522B.11, subsection 7, Code  
8 2014, is amended to read as follows:

9 7. a. Unless an insurance producer holds oneself  
10 out as an insurance specialist, consultant, or  
11 counselor and receives compensation for consultation  
12 and advice apart from commissions paid by an insurer  
13 otherwise provided in this subsection, the duties and  
14 responsibilities of an insurance producer are limited  
15 to those duties and responsibilities set forth in  
16 Sandbulte v. Farm Bureau Mut. Ins. Co., 343 N.W.2d 457  
17 (Iowa 1984).

18 b. The general assembly declares that the holding  
19 of Langwith v. Am. Nat'l Gen. Ins. Co., (No. 08-0778)  
20 793 N.W.2d 215 (Iowa 2010) is abrogated to the extent  
21 that it overrules Sandbulte and imposes higher or  
22 greater duties and responsibilities on insurance  
23 producers than those set forth in Sandbulte.

24 c. Unless an insurance producer holds oneself out  
25 as an insurance specialist, consultant, or counselor  
26 and receives compensation for consultation and advice  
27 apart from commissions paid by an insurer, an insurance  
28 producer, while acting within the scope and course of  
29 the license provided for by this chapter, is not in the  
30 business of supplying information to others.

31 d. An insurance producer owes any duties and  
32 responsibilities referred to in this subsection only  
33 to the policy owner, a person in privity of contract  
34 with the insurance producer, a person who has executed  
35 a written instrument required by the insurer in order  
36 to become a policy owner, and the principal in an  
37 agency relationship with the insurance producer. If  
38 a person to whom an insurance producer owes duties  
39 and responsibilities is deceased or incapacitated, a  
40 direct and specifically identified beneficiary, who  
41 is referenced in a written instrument required by the  
42 insurer or provided by the insurance producer that is  
43 executed by the person and delivered to the insurer  
44 or insurance producer prior to the person's death  
45 or incapacity, may enforce the insurance producer's  
46 duties and responsibilities. An insurance producer  
47 does not owe any duty to a person who was a direct  
48 and specifically identified beneficiary if the policy  
49 owner changes the beneficiary in the manner required  
50 by the policy or contract and removes the person as a

1 beneficiary.>

2 3. By renumbering as necessary.